

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case Nos.: 7:17-cr-58
)	
JEFFREY RYAN FLACK,)	
)	
Defendant.)	

**MOTION FOR ORDER DIRECTING U.S. MARSHAL TO SERVE
SUBPOENA AT THE GOVERNMENT’S EXPENSE**

COMES NOW, the Defendant, Jeffrey R. Flack (the “Defendant”), by counsel, pursuant to Federal Rule of Criminal Procedure 17(b), and moves this Court for an Order directing the U.S. Marshal’s Service to serve a witness subpoena on the following defense witness:

Dr. Evan Nelson
5900 Harbour Park Drive
Midlothian VA 23112 US

In support thereof, Defendant states as follows:

1. The Defendant is indigent and without funds to obtain the services of a process server to serve a witness subpoena in this matter. The Defendant is represented by court appointed counsel pursuant to the Criminal Justice Act (18 U.S.C. § 3006(A).
2. On December 5, 2017, Dr. Evan Nelson was appointed to assist the Defendant in his defense and to investigate mitigation evidence.
3. Since that time, Dr. Nelson has assisted with the defense. Those efforts, among others, cumulated in the Defendant’s guilty plea on April 27, 2018. A sentencing hearing is currently scheduled for July 25, 2018 at 10:30 a.m.
4. Dr. Nelson is a material and necessary witness at the sentencing hearing. Dr. Nelson is needed so he can outline his findings concerning the Defendant’s psychological health

and other related matters. Dr. Nelson will also present important mitigation evidence at the Defendant's sentencing hearing.

5. A copy of the subpoena is being filed contemporaneously with this Motion.
6. A USM-285 form is also being filed contemporaneously with this Motion.
7. A proposed Order is also being filed contemporaneously with this Motion.

WHEREFORE the Defendant Jeffrey R. Flack, respectfully requests that the Court (i) enter the proposed Order; (ii) direct the Clerk or Bailiff to certify the proposed Order; (iii) direct the Clerk or Bailiff to present the certified Order, together with the attached subpoena, to the U.S. Marshal's Office; (iv) direct the U.S. Marshal to serve the subpoena as soon as practicable; and (v) for such other and further relief as the Court deems necessary and appropriate.

Respectfully submitted,

JEFFREY R. FLACK

By: /s/ Aaron Balla Houchens
Of Counsel

Aaron B. Houchens, Esq. (VSB #80489)
STANLEY & HOUCHEMS, LLC
13508 Booker T. Washington Hwy.
Moneta, Virginia 24121
540-721-6028 (telephone)
540-721-6405 (facsimile)
ahouchens@shg-law.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2018, a true and accurate copy of the foregoing was provided to the following via the Court's CM/ECF electronic filing system:

Ashley Neese, Esq.
Assistant United States Attorney
United States Attorney's Office
BB&T Building
310 First Street, S.W. Room 906
Roanoke, VA 24008
540-857-2250
Fax: 857-2179
Email: Ashley.Neese@usdoj.gov

/s/ Aaron Balla Houchens